

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FRED ALBERT BARTHOLOMEW,
Petitioner

v.

JOSEPH F. DESUTA, Superintendent, et al.,
Respondents.

C.A. No. 05-60 Erie

District Judge McLaughlin
Magistrate Judge Baxter

ORIGINAL

RULE AND ORDER

AND NOW, this 2nd day of June, 2005, after Fred Albert Bartholomew presented a petition for a writ of habeas corpus,

IT IS ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondent, the District Attorney of Crawford County, and the Attorney General of the Commonwealth of Pennsylvania.

IT IS FURTHER ORDERED that within twenty days of service of this order, the respondent, and the District Attorney of Crawford County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts. The District Attorney shall furnish this court with



7160 3901 9842 6648 5089

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

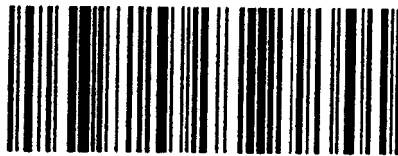
CRAWFORD COUNTY DISTRICT ATTORNEY
CRAWFORD COUNTY COURTHOUSE
MEADVILLE, PA. 16335

5-60E,O/P,7/8/05,SRB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 6648 5072

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

ATTORNEY GENERAL COMMONWEALTH OF PA.
564 FORBES AVENUE
6TH FLOOR MANOR BLDG
PITTSBURGH, PA. 15219

5-60E,O/P,7/8/05,SRB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 6648 5065

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

JOSEPH F. DESUTA, SUPERINTENDENT
SRCP MERCER
801 BUTLER PIKE
MERCER, PA. 16137

5-60E,O/P,7/8/05,SRB

PS Form 3811, January 2003

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/11/05

C. Signature

X *Max Loch*
☐ Agent
☐ Addressee
D. Is delivery address different from item 1?
If YES, enter delivery address below:
☐ Yes
☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/11/05

C. Signature

X *Patricia Cleaver*
☐ Agent
☐ Addressee
D. Is delivery address different from item 1?
If YES, enter delivery address below:
☐ Yes
☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

J. S. Trivis

7/16/05

C. Signature

X *John*
☐ Agent
☐ Addressee
D. Is delivery address different from item 1?
If YES, enter delivery address below:
☐ Yes
☒ No